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November 7, 2022

**VIA ECF**

Honorable Paul A. Engelmayer  
United States District Judge  
Southern District of New York  
40 Foley Square, Room 2201  
New York, New York 10007

Re: *Bisnow LLC v. Thomas Lopez-Pierre.*, Case No. 20-cv-3341 (PAE) (SLC)

Dear Judge Engelmayer:

We represent Bisnow LLC ("Bisnow") in the above-referenced matter. Concurrently herewith, we have filed a motion for an Order granting Judd Burstein, P.C. ("JBPC") leave to withdraw as counsel for Bisnow and granting Bisnow forty-five (45) days to secure new counsel. To protect Bisnow's interests, we write to request that the Court stay the deadline for Bisnow to file objections to the Court's Report and Recommendation (Doc. No. 39) during the pendency of that motion.

On November 2, 2022, the Court issued a Report and Recommendation recommending that the RICO claim be dismissed, and no damages awarded, and that the state law claims be dismissed without prejudice. (Doc. No. 39, at 57). Pursuant to 28 U.S.C § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, Bisnow must file written objections within fourteen (14) days of service of the Report and Recommendation. Thus, Bisnow's deadline for objecting to the Report and Recommendation is November 16, 2022.

Given our pending motion to withdraw as counsel, we respectfully request that the Court stay the deadline for Bisnow to file objections to the Court's Report and Recommendation (Doc. No. 39) during the pendency of this motion. This is Bisnow's first request of this nature. Given that Defendant Thomas Lopez-Pierre has failed to appear in this action, and in light of the time sensitivity of this matter, we were unable to contact Defendant to determine whether or not he consents to the stay prior to filing this motion.

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There have been no prior requests for adjournments or extensions of this deadline.

Respectfully submitted,

/s/ Judd Burstein

Judd Burstein

cc: Defendant Thomas Lopez-Pierre (via USPS)  
Plaintiff Bisnow LLC (via email)

The Court denies the motion for withdrawal and the motion to stay. A corporation can appear in court only if represented by counsel, and cannot represent itself *pro se*. See *Pecarsky v. Galaxiworld.com Ltd.*, 249 F.3d 167, 172 (2d Cir. 2001). Accordingly, the Court will permit counsel for plaintiff Bisnow, LLC, to withdraw only upon the appearance of successor counsel.

To afford plaintiff sufficient time to secure new counsel without prejudice to its interests in this matter, the deadline to file objections to the Report and Recommendation, Dkt. 39, is extended to November 30, 2022. This deadline will not be further extended. If no new counsel has by then appeared, and if no objections have been filed, the Court will treat the Report as not objected to, and will proceed to promptly to review it.

The Court directs plaintiff's counsel to serve this order on the plaintiff forthwith, and to file forthwith on the docket of this case an affirmation attesting to such service.

SO ORDERED.



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PAUL A. ENGELMAYER  
United States District Judge  
November 10, 2022